

AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

FILED
HARRISBURG, PAUNITED STATES DISTRICT COURT
for the

JUL 09 2024

PER MY
DEPUTY CLERKDonte Delano Johnson
Petitioner

v.

Case No. _____
(Supplied by Clerk of Court)Warden J. Green Allenwood Low
Respondent
(name of warden or authorized person having custody of petitioner)

PETITION FOR A WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241

Personal Information

1. (a) Your full name: Donte Delano Johnson
(b) Other names you have used: _____
2. Place of confinement:
(a) Name of institution: Low Security Correctional Institution Allenwood
(b) Address: P.O. Box 1000
White Deer, PA 17887
(c) Your identification number: 35674510
3. Are you currently being held on orders by:
☒ Federal authorities ☐ State authorities ☐ Other - explain: _____
4. Are you currently:
☐ A pretrial detainee (waiting for trial on criminal charges)
☒ Serving a sentence (incarceration, parole, probation, etc.) after having been convicted of a crime
If you are currently serving a sentence, provide:
(a) Name and location of court that sentenced you: Florida, Middle District
(b) Docket number of criminal case: 8:22-CR-385-MSS-AEP
(c) Date of sentencing: 05/16/2023
☐ Being held on an immigration charge
☐ Other (explain): _____

Decision or Action You Are Challenging

5. What are you challenging in this petition:
☒ How your sentence is being carried out, calculated, or credited by prison or parole authorities (for example, revocation or calculation of good time credits)

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- ☐ Pretrial detention
☐ Immigration detention
☐ Detainer
☐ The validity of your conviction or sentence as imposed (for example, sentence beyond the statutory maximum or improperly calculated under the sentencing guidelines)
☐ Disciplinary proceedings

☒ Other (explain): RRC/HC Placement and FTC credits clarification as requested on 4-10-2024.

6. Provide more information about the decision or action you are challenging:

- (a) Name and location of the agency or court: FBOLs FCC Allenwood low
 P.O. Box 1000 White Deer Pa 17887
 (b) Docket number, case number, or opinion number: Warden's denial of RRC/HC
 (c) Decision or action you are challenging (for disciplinary proceedings, specify the penalties imposed):
 BL-8 Unit manager denied RRC/HC Placement and Warden also denied RRC/HC placement - And a separate Application for lost FTC credits
 (d) Date of the decision or action: 5/1/2024, 5/22/2024, 5/25/2024

Your Earlier Challenges of the Decision or Action

7. First appeal

Did you appeal the decision, file a grievance, or seek an administrative remedy?

☒ Yes ☐ No

(a) If "Yes," provide:

- (1) Name of the authority, agency, or court: FBOLs FCC Allenwood-low
 Warden J. Greene
 (2) Date of filing: 5/2/2024 & 5/1/2024
 (3) Docket number, case number, or opinion number: 1200168/F1 & 1200169/F1
 (4) Result: Denied
 (5) Date of result: 5/29/2024 & 5/25/2024
 (6) Issues raised: RRC/HC placement & FSA Credits
 Federal Time Credits (FTC). loss of FTCs

(b) If you answered "No," explain why you did not appeal:

8. Second appeal

After the first appeal, did you file a second appeal to a higher authority, agency, or court?

☒ Yes ☐ No

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(a) If "Yes," provide:

(1) Name of the authority, agency, or court:

FBI's Regional Director

(2) Date of filing:

6/6/2024

(3) Docket number, case number, or opinion number:

1200168/R1 St/200169/R1

(4) Result:

N/A ASKING For Extension For Aug 13th.

(5) Date of result:

8/13/2024

(6) Issues raised:

RRC/HC, FSA Earned Federal

TIME Credits (FIC). Cannot wait for the extension because my RRC placement date is set for the 8/24/2024. The time to get a decision and be placed into RRC, I will be losing critical time for pre release placement.

(b) If you answered "No," explain why you did not file a second appeal:

9. **Third appeal**

After the second appeal, did you file a third appeal to a higher authority, agency, or court?

☐ Yes☒ No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court:

(2) Date of filing:

(3) Docket number, case number, or opinion number:

(4) Result:

(5) Date of result:

(6) Issues raised:

(b) If you answered "No," explain why you did not file a third appeal:

Running out of time for RRC placement on 8/24/2024

10. **Motion under 28 U.S.C. § 2255**

In this petition, are you challenging the validity of your conviction or sentence as imposed?

☐ Yes☒ No

If "Yes," answer the following:

(a) Have you already filed a motion under 28 U.S.C. § 2255 that challenged this conviction or sentence?

☐ Yes☒ No

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If "Yes," provide:

(1) Name of court: _____

(2) Case number: _____

(3) Date of filing: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

N/A

- (b) Have you ever filed a motion in a United States Court of Appeals under 28 U.S.C. § 2244(b)(3)(A), seeking permission to file a second or successive Section 2255 motion to challenge this conviction or sentence?

☐ Yes☒ No

If "Yes," provide:

(1) Name of court: _____

(2) Case number: _____

(3) Date of filing: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

N/A

- (c) Explain why the remedy under 28 U.S.C. § 2255 is inadequate or ineffective to challenge your conviction or sentence: _____

N/A

11. Appeals of immigration proceedings

Does this case concern immigration proceedings?

☐ Yes☒ No

If "Yes," provide:

(a) Date you were taken into immigration custody: _____

(b) Date of the removal or reinstatement order: _____

(c) Did you file an appeal with the Board of Immigration Appeals?

☐ Yes☒ No

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If "Yes," provide:

(1) Date of filing: _____

(2) Case number: _____

(3) Result: _____

(4) Date of result: _____

(5) Issues raised: _____

N/A

(d) Did you appeal the decision to the United States Court of Appeals?

☐ Yes☒ No

If "Yes," provide:

(1) Name of court: _____

(2) Date of filing: _____

(3) Case number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

N/A

12. Other appeals

Other than the appeals you listed above, have you filed any other petition, application, or motion about the issues raised in this petition?

☐ Yes☒ No

If "Yes," provide:

(a) Kind of petition, motion, or application: _____

(b) Name of the authority, agency, or court: _____

N/A

(c) Date of filing: _____

(d) Docket number, case number, or opinion number: _____

(e) Result: _____

(f) Date of result: _____

(g) Issues raised: _____

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Grounds for Your Challenge in This Petition

13. State every ground (reason) that supports your claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground. Any legal arguments must be submitted in a separate memorandum.

GROUND ONE: REC / HC placement under FSA / SCA. Under 3621, 3624, 3632 accordingly Program Statement Ps 7310.04 and Ps 5410.01 The BOLS SHALL place the prisoner in release custody.

(a) Supporting facts (Be brief. Do not cite cases or law.):

Application Gp Out 4/10/2024, BP-8, BP-9, & BP-10 submissions Attached and Exhibits incorporated.

(b) Did you present Ground One in all appeals that were available to you?

☒ Yes

☐ No

GROUND TWO: Based FSA Conditional pre-release date (PRD) the REC / HC date is 8/24/2024 the latest.

(a) Supporting facts (Be brief. Do not cite cases or law.):

#BOLS Computation Sheet.

(b) Did you present Ground Two in all appeals that were available to you?

☒ Yes

☐ No

GROUND THREE:

N/A

(a) Supporting facts (Be brief. Do not cite cases or law.):

N/A

(b) Did you present Ground Three in all appeals that were available to you?

☐ Yes

☐ No

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GROUND FOUR:

N/A

(a) Supporting facts *(Be brief. Do not cite cases or law.)*:

N/A

(b) Did you present Ground Four in all appeals that were available to you?

☐ Yes

☐ No

14. If there are any grounds that you did not present in all appeals that were available to you, explain why you did not:

Request for Relief

15. State exactly what you want the court to do:

Request to be placed in RRC/HC as soon as possible and receive the disallowed FTS credits. Release date is imminent and Requesting Emergency relief Because the FBO's takes a long time for placement into RRC/HC.

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Declaration Under Penalty Of Perjury

If you are incarcerated, on what date did you place this petition in the prison mail system:

7-2-2024

I declare under penalty of perjury that I am the petitioner, I have read this petition or had it read to me, and the information in this petition is true and correct. I understand that a false statement of a material fact may serve as the basis for prosecution for perjury.

Date:

7-2-2024



Signature of Petitioner

Signature of Attorney or other authorized person, if any

Donte Johnson 35674510
Low Security Correctional Institution Allenwood
P.O. Box 1000
White Deer, PA 17887

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Sylvia H. Rambo United States Courthouse
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Harrisburg, PA 17102

